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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,468	12/17/2003	William R. Nolan III	037607-0236	8205
34699	7590	02/03/2009	EXAMINER	
FANN-MKE C/O FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5306			OYEBISI, OJO O	
ART UNIT	PAPER NUMBER			3696
MAIL DATE	DELIVERY MODE			
02/03/2009	PAPER			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/738,468	NOLAN, WILLIAM R.
	Examiner OJO O. OYEBISI	Art Unit 3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 November 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 33-44 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 33-44 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/0256/06)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

**In the amendment filed on 11/21/08, the following have occurred: claims 33-39 and 43-44 have been amended, and claims 33-44 are currently pending. The applicant's amendment has necessitated the withdrawal of the rejection under 35 USC 101.**

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 33-44 are rejected under 35 U.S.C. 102 (e) as being anticipated by Heffner et al (Heffner hereinafter, US Pub. No.: 2003/0018558).

**Re claim 33.** Heffner discloses a method of displaying information in a data processing system for processing loan information, comprising: providing a web-based interface accessible to a seller of mortgage loans (see the abstract), the web- based interface including an interface configured to permit the seller to associate a unique assigned seller marketing name with each of a plurality of different types of loan products the seller is eligible to sell to a purchaser (i.e., loans in the pool, see paras 0270 - 0271,

Heffner further describes different types of loan in the seller published loan pool (i.e., sub-prime, jumbo, conforming, home-equity products), the different types of loan products including home mortgage loan products with different sets of attributes (see paras 0271); providing a computer database coupled to the web-based interface and configured to store data for the different types of loan products the seller is eligible to sell to the purchaser, wherein the data for each loan product includes a purchaser-assigned name; displaying a loan product list to the seller via the web-based interface (see paras 0123); receiving a customization request from the seller via the web-based interface (i.e., characteristic/profile of a pool of loan, see paras 0164-0168) including receiving a selection of a product type and receiving a request to associate a seller assigned marketing name with the product type (i.e., pool and product, see fig.24, also see paras 0164-0168. Note that the published loan profile inherently contains seller marketing name for the loan product i.e., FHLMC Gold and GNMA 1 PRODUCT etc); receiving the seller assigned marketing name from the seller for the product type (see paras 0164-0168); the seller assigned marketing name being different from than the purchaser-assigned name; storing the association of the seller assigned marketing name with the product type in the computer database (Heffner discloses the storage of loan information in database – see paras 0043, which inherently includes the seller marketing name with the product type); displaying the seller marketing name in place of or in addition to the product type following the association (see fig.24); permitting the seller to enter into a commitment to sell a loan identified by the seller assigned marketing name (see fig.15 A, also see paras 0165); wherein the method is performed

by a computer system associated with a participant in the secondary mortgage market (see fig.2a and fig.2B)

**Re claim 34.** Heffner further discloses a method according to claim 33, wherein the loan product data for each loan product further includes a set of attributes for each loan product (see paras 0271).

**Re claim 35.** Heffner further discloses a method according to claim 34, wherein the set of attributes for each loan product includes a loan term, a loan type, and an interest rate (see paras 0086, also see fig.21A element 2104).

**Re claim 36.** Heffner further discloses a method according to claim 35, wherein the customization request is based upon the set of attributes for each loan product (see paras 0271)

**Re claim 37.** Heffner further discloses a method according to claim 33, wherein displaying the seller- assigned marketing name for each loan product included in the seller loan product list includes graphically displaying each seller-assigned name proximate the purchaser-assigned name associated with each seller- assigned name (i.e., pool and product, see fig.24, also see paras 0164-0168. Note that the published loan profile inherently contains seller marketing loan for the loan product i.e., FHLMC Gold and GNMA 1 PRODUCT etc)

**Re claim 38.** Heffner further discloses a method according to claim 33, further comprising: receiving a modification request from the seller via the web-based interface, wherein the modification request is associated with the seller-assigned names for at least one loan product; and editing the selection list based upon the modification

request (see paras 0311).

**Re claim 39.** Heffner further discloses a method of displaying information in a data processing system for processing loan information, comprising; retrieving data for each of a plurality of different types of loan products the seller is eligible to sell to the purchaser from the computer database (see fig.18; see fig.21A, also see fig.22), displaying a seller loan product list to the seller via the computer interface, the seller loan product list including the purchaser-assigned names associated with the loan products the seller is eligible to sell to the purchaser (i.e., pool and product, see fig.24, also see paras 0164-0168. Note that the published loan profile inherently contains seller marketing name for the loan product i.e., FHLMC Gold and GNMA 1 PRODUCT etc); receiving a customization request from the seller via the computer interface (i.e., characteristic/profile of a pool of loan, see paras 0164-0168), including receiving a selection input of a product type and receiving a request to associate a unique seller marketing name with the product type (i.e., pool and product, see fig.24, also see paras 0164-0168. Note that the published loan profile inherently contains seller marketing name for the loan product i.e., FHLMC Gold and GNMA 1 PRODUCT etc), the product type being a type of home mortgage loan including a set of attributes (see paras 0271); generating a selection list based on the selection input, wherein the selection list includes at least one selected purchaser-assigned name for the product type identified by the selection input (see fig.18, 23 and 24); displaying the selection list to the seller via the computer interface (see fig.18); receiving a seller-assigned name from the seller for the product type identified by the selection input-via the computer interface, the

seller assigned name being different than the purchaser-assigned name (see paras 0164-0168); storing the seller-assigned name and the association of the seller marketing name with the product type in the computer database (Heffner discloses the storage of loan information in database – see paras 0043, which inherently includes the seller marketing name with the product type); configuring the computer interface so that upon receiving one of the seller- assigned name and a purchaser-assigned name associated with the seller-assigned name via the computer interface, the loan data associated with the seller-assigned name is retrieved from the computer database and displayed to the seller via the computer interface (see fig.18, 21A and 22); and displaying the selection list including the seller-assigned name to the seller via the computer interface (see fig.24)

**Re claim 40.** Claim 40 recites similar limitations to claim 34 and thus rejected using the same art and rationale as in claim 34.

**Re claim 41.** Claim 41 recites similar limitations to claim 35 and thus rejected using the same art and rationale as in claim 35.

**Re claim 42.** Claim 42 recites similar limitations to claim 36 and thus rejected using the same art and rationale as in claim 36.

**Re claim 43.** Claim 43 recites similar limitations to claim 37 and thus rejected using the same art and rationale as in claim 37.

**Re claim 44.** Claim 44 recites similar limitations to claim 38 and thus rejected using the same art and rationale as in claim 38.

***Response to Arguments***

Applicant's arguments filed 11/21/08 have been fully considered but they are not persuasive. The applicant argues that Heffner fails to disclose the "purchaser assigned" names and "seller assigned marketing" names for loan products. First, "purchaser assigned" names are not recited in the claims. Thus that argument is moot in view of the fact the applicant fails to recite "purchaser assigned" names in the claims. Contrary to the applicant's assertion that Heffner fails to disclose the "seller assigned marketing" names for loan products, Heffner teaches that loans characteristics/profiles are posted on the open trading platform for buyers to bid on. Thus, the examiner contends that the posted/published loan profile inherently contains seller marketing name for the loan product i.e., FHLMC Gold and GNMA 1 PRODUCT – see paras 0168.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571)272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/  
Primary Examiner, Art Unit 3696

/O. O. O./  
Examiner, Art Unit 3696

<b>Application Number</b> 	<b>Application/Control No.</b>	<b>Applicant(s)/Patent under Reexamination</b>
	10/738,468	NOLAN, WILLIAM R.
	<b>Examiner</b> OJO O. OYEBISI	<b>Art Unit</b> 3696